

Court of Appeals, State of Michigan

ORDER

Donna Bellgowan v Sears Roebuck and Co

Docket No. 267704

LC No. 00-092252-CZ

Bill Schuette
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court orders that in lieu of granting the application for leave to appeal and pursuant to MCR 7.205(D)(2), the Ingham Circuit Court's December 22, 2005, order is PEREMPTORILY REVERSED IN PART as to defendants' motion for summary disposition of plaintiff's claim of a legitimate expectation of just-cause employment. Plaintiff failed to rebut the presumption of at-will employment. *Lytle v Malady (On Rehearing)*, 458 Mich 153; 579 NW2d 906 (1998). The Human Resources Guide for Managers could not form the basis for a legitimate expectation of just cause employment where it was only a procedural "guide," not a contract or a promise, and indeed, included an express disclaimer to that effect in its introduction, and where it expressly reserved to Sears the right to depart from its standard disciplinary procedures in its discretion. The guide encompassed a policy statement, not a promise to plaintiff regarding an employment relationship other than at-will. *Id.* at 165.

In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review. This matter is REMANDED to the trial court for further proceedings consistent with this order.

The Court orders that the motion for stay is DENIED as moot.

The Court orders that the motion for sanctions is DENIED.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 17 2006
Date

Sandra Schultz Mengel
Chief Clerk